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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/019,491

04/22/2002

Andreas Gunnarsson

56087-66481

1390

466

7590

11/16/2004

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EXAMINER

MULLEN, THOMAS J

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/019,491

Applicant(s)

GUNNARSSON ET AL.

Examiner

Thomas J. Mullen, Jr.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 13.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. The disclosure is objected to because of the following informalities:
  - page 1, line 9, use of the phrase "grow rapidly" is unclear, in the context of the associated sentence;
  - page 1, lines 16-17, "Occurrence of sensitive data or material...in wrong hands" is vaguely worded, i.e. the use of "Occurrence" is unclear;
  - page 2, line 3, it appears that "data protective" would be clearer as --data protection--;
  - page 4, line 16, it appears that "Else" would be clearer as --Or else--, --Alternatively--, etc.;
  - page 6, line 12, it appears that "this optional" should be --this is optional--;
  - page 7, line 23, it appears that "charge" should be --change--;
  - page 8, lines 9-10, it appears that "(radio frequency module) 524" and "encoder 526" should be --(radio frequency module) 522-- and --encoder 524--, respectively (note block 520 in Fig. 1, and "antenna 526" on page 8, line 9);
  - page 9, lines 3 and 23, it appears that "serving" (one occurrence on each line) should be --servicing--;
  - page 9, line 11, it appears that "functionality accessible" should be --functionality is accessible --;
  - at various points in the disclosure, e.g. at page 9, line 26 and page 10, line 5, "destructured" does not appear to be a word (perhaps "destroyed" is intended--note the use of this term e.g. at page 2, line 23);
  - page 11, line 8, it appears that "produces" should be --produced--;
  - page 11, line 13, it appears that "lead" should be --led--; and
  - page 12, lines 7-8, it is unclear what is meant by "absolute and definite control".Appropriate correction is required.

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3. The drawings are objected to because:

(i) the blank boxes in Fig. 1 (100, 200, 205-225, 300, 400, 410, 500, 520, 522, 524, 540, 542, 600 and 701-709) should be provided with "descriptive legends" in accordance with 37 CFR 1.84(o); and

(ii) in Fig. 2 there are various grammatical errors or incomplete phrases in the descriptive matter associated with the steps/blocks of the flow chart, i.e. "Indicate activated" (step 904), "Is capacitors..." (step 909), "Destruct component" (step 911) and "Indicate destructed" (step 914)-- for example, in blocks 904 and 914 it appears that a word such as "state" or "status" should appear after "activated" and after "destructed" [sic], respectively.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Various recitations in the claims, e.g. "such as components...in a computer" (claim 1, lines 1-2), are forms of exemplary claim language that render the claim indefinite as to whether the element(s) and/or function(s) in the recitation are in fact intended to further limit the claim; see MPEP 2173.05(d). These recitations include:

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"such as components...in a computer" (claim 1, lines 1-2) (mentioned above);  
"such as an internal or external power source" (claim 1, lines 6-7);  
"such as a fingerprint and/or iris recogniser" (claim 6, last 2 lines);  
"such as a battery" (claim 7, line 3);  
"preferably of a highly conductive and/or corroding chemical fluid" (claim 9, lines 3-4);  
and  
"preferably by a micro-controller" (claim 11, lines 6-7).

In claims 1, 8, 9 and 11, it is unclear what is meant by "get(ting)" or "set(ting)" the electronic equipment or components "irreversibly out of order" (see e.g. claim 1, lines 15-16), i.e. making the equipment or components "out of order" would merely seem to imply that the physical arrangement (or "order") of electronic components (forming the "equipment") is changed, rather than any change in the operational or functional capability of these components.

In claims 1 and 11, "a monitoring internal sensor arrangement" (e.g. lines 2-3 of claim 1) is indefinite with respect to what other element(s) the sensor arrangement is "internal".

In claim 1, line 14, it is unclear what is meant by "relayed connections".

In claim 2, the phrases "the micro-controller" and "the safeguarding apparatus remote control" lack clear antecedent basis.

In claim 3, "unauthorised opened" (line 3) is vague.

In claim 6, line 2, it is unclear how, or whether, "so-called" further limits the scope of "smart card reading means".

In claim 6, line 3, "with physical contacting or without physical contacting" is vague as to what elements are being referred to as in contact (or not in contact), during operation of the smart card reading means.

In claim 8, line 3, it appears that "lead" should be --led--.

In claim 10, line 5, it appears that "be" should be --by--.

In claim 11, line 3, it appears that "in" should be --is--.

In claim 11, it is unclear whether the "sensor means" (line 8) forms part of the "internal sensor arrangement" (line 2), or constitutes some further element(s).

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In claim 11, it is unclear whether the "electronic components" (lines 9-10) have anything to do with the "electronic equipment" (line 1), or for that matter with any other element(s) recited in the claim.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by WIPO publication 97/03397 (hereinafter WO '397) or Glenn (US 5406261), both cited by applicant.

Note in WO '397, electronic equipment (e.g. "mother card", "processor", "main memory", not shown--see page 3, lines 30-32); housing ("computer", not shown); "internal" sensor arrangement (sensor 6, which may be "inside of the computer casing"--page 5, lines 12-13); control means (internal circuit board 1 and logic unit 7); and "destruction" means (chargeable "capacitors" 4, voltage generator means 5, and shock signal cable 20--page 3, lines 17-27). WO '397 monitors "whether the housing (is) closed or not" (page 2, lines 16-17 and page 5, lines 14-15); the destruction means (4,5,20) is controlled by the logic unit 7 (implied, see e.g. page 5, lines 1-2); the logic unit 7 receives "indications" from the sensor means 6 (see e.g. page 5, lines 12-14); and the destruction means (4,5,20) "set(s) electronic components...irreversibly out of order" when activated (see e.g. page 2, lines 2-6).

Note in Glenn, electronic equipment (e.g. hard disk 26 and disk read circuits 116--see Fig. 7); housing (computer S, Figs. 4-5); "internal" sensor arrangement (motion sensor 78 and/or signal sensor 76 of Figs. 6-7, which are implicitly part of control system 50 of Fig. 5, inside the computer housing S--see col. 6, line 59 to col. 7, line 14); control means (system board 20 of Figs. 5-7, control system 50 of Fig. 5, power control 58 of Fig. 6, and remote transmitter 52 of Figs. 4-5--see e.g. col. 5, lines 32-43 and 50-58, and col. 6, lines 17-20); and "destruction" means (disable means 100 and disk destructor 114 of Fig. 7). Glenn monitors "whether the electronic equipment is (attempted to be) operated by an (un)authorised person" (via signal sensor 76--col.

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6, lines 66-67--and via voice or fingerprint decoders 54a,b in Figs. 9a-9b--col. 6, lines 1-7); the destruction means (100,114) are controlled by the control means 20,50,etc (implied, see e.g. col. 7, lines 32-35); the control means 20,50,etc receives "indications" from the sensors 76,78 (implied by the schematic diagrams of Fig. 6-7--see e.g. col. 7, lines 36-41); and the destruction means (100,114) "set(s) electronic components... irreversibly out of order" when activated (see e.g. col. 7, lines 25-30).

8. Claims 1-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

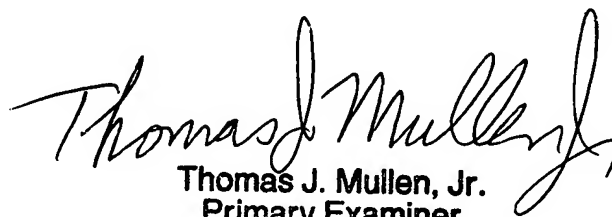
The remaining art cited by applicant is made of record.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

TJM

  
Thomas J. Mullen, Jr.  
Primary Examiner  
Art Unit 2632